

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

DENIED

Maurice Graves, 3208580  
Petitioner,

Civil Action No. 3:09-540-PMD

February 24, 2010

*Patrick Michael Duffy*  
PATRICK MICHAEL DUFFY  
United States District Judge

v.

A.J. Padula,  
Respondent,

Petitioner Motion Asking the Judge to  
hear additional evidence not considered  
by the magistrate judge

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I, the Pro Se petitioner in the above case now "Motion asking the  
District Judge to hear additional evidence not considered by the magi-  
strate judge.

In the "Report and Recommendation" dated filed 09-11-09 page 7 of  
10, paragraph 3. The United States Magistrate Judge stated, "According  
to counsel, Graves gave no indication that an insanity defense was  
plausible."

Petitioner, would like to show the court that an insanity defense  
was plausible. And if the magistrate judge would of been aware of such  
evidence, petitioner believes that the magistrate judge would have ruled  
in favor of the petitioner.

Petitioner will now ask the District Court to consider additional  
evidence from the trial transcript that may have not bee revealed to the  
magistrate judge.

Again, petitioner believes that if all the evidence thats revealed  
to the District Judge, would have been reveal to the magistrate judge,  
~~then the outcome of the "Report and Recommendation" would have been~~  
different.

Petitioner will now show the evidence that an insanity defense was  
plausible, if trial counsel would have investigated or taken interest in  
petitioner case. And not abandoned petitioner as a client.

See: (Trial transcript pg. 23 lines 19-20) (where officer Warren  
Lee Davis testified at trial that, "Applicant had on no shoes and shirt  
in officer Davis home of the night of the burglary.")

Also see: (Trial transcript pg. 39 lines 20-24) Cross examine by  
Trial Counsel Ms. Ferrari.